**'Bhagvadgeeta as Rashtriya Dharam-Shastra'**

†118. SHRI SHREEGOPAL WAS:
SHRI BALAVANT *alias* BAL APTE:

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that the High Court of Allahabad has suggested to make Bhagvadgeeta as 'Rashtriya Dharam-shastra'; and

(b) if so, whether there is any constitutional or legal hindrance in doing so?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) Yes, Sir.

(b) It would not be legally and constitutionally feasible to do so.

**Transparency in judiciary**

†119. SHRI JAI PARKASH AGGARWAL: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether it is a fact that the Prime Minister in his inaugural speech in All India interdepartmental co-operation conference organized in Delhi in August, 2006, expressed concern over lack of honesty in some sections of judiciary and emphasized the need for transparency and for providing speedy justice to the citizens;

(b) if so, the details thereof; and

(c) whether Government have taken any measures for ensuring honesty and transparency in the judiciary and for speedy justice to the citizens, till date?

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI K. VENKATAPATHY): (a) to (c) Yes, Sir. Hon'ble Prime Minister, in his address to the National Meet on Social Justice and Legal Empowerment held on August 19,2006 has *inter-alia* observed as follows:

> "....there are concerns often voiced in various quarters about the delays in disposal of cases and the consequent backlog that has built up over the years. There is concern about the cost of litigation and the cost of obtaining justice. There is growing concern also about probity—or the lack of it-in some sections of the judiciary. I have said this before, and I say this again, that we take great pride in the quality and effectiveness of our judicial system. But in the larger scheme of governance, it is incumbent upon any healthy institution to continue to reflect from time to time on its role, on the expectations from it and on the scope for improvement. This will help us take steps to improve our performance and to meet the fast changing needs of the times that we live in. Above all, it will make our justice delivery system more sensitive to the needs of the poorest of our people. Especially those who are most discriminated against in our society."

Allegations of deviant behaviour involving acts of corruption and moral turpitude against some Judges of High Courts and some members of Judicial Service of the States have come to the notice of the Government. The Chief Justice of a High Court has the competence to receive and look into complaints against the conduct of a Judge of his Court. In some recent cases, the Chief Justice of India set up inquiry committees under in-house procedure to deal with cases of deviant behaviour of Judges. As regards the members of Judicial Service of a State, under article 235 of the Constitution of India, the administrative and disciplinary control over the members

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†Original notice of the question was received in Hindi.

of subordinate judiciary in the States vests with the concerned High Court and the State Government.

The Government has already introduced Judges (Inquiry) Bill, 2006 in the Lok Sabha on 19.12.2006. The Bill seeks to devise a suitable legislative framework for empowering a judicial forum to deal with complaints against judges of the Supreme Court and High Courts.

**Vacancies in Supreme Court and High Courts**

120. SHRI RAJEEV CHANDRASEKHAR: Will the Minister of LAW AND JUSTICE be pleased to state:

(a) the number of vacancies of judges in the Supreme Court and in various High Courts in the country, as on the 1st November, 2007, court-wise;

(b) the number, out of them, which have been there for over six months, as on that date, Court-wise; and the reasons for keeping these posts vacant for so long; and

(c) the steps proposed to be taken to expedite filling up of the vacancies of judges, so as to ensure that work in courts does not suffer?

THE MINISTER OF LAW AND JUSTICE (SHRI H.R. BHARDWAJ): (a) to (c) A statement showing the number of vacancies Court-wise, is enclosed *(See* below) Pursuant to the Judgment of the Supreme Court dated October 6,1993 and their Advisory Opinion dated October 28, 1998, the proposals for appointment of Judges in the Supreme Court are to be initiated by the Chief Justice of India and for High Courts, the proposals are to be initiated by the Chief Justice of the concerned High Court. The Government has, however, been requesting the Chief Justices of the High Courts, from time to time, to initiate proposals for filling up of the present and anticipated vacancies during the next six months.

***Statement***

*Court-wise number of vacancies*

As on 01.11.2007

| Sl. No. | Name of the Court | Sanctioned Strength | Working Strength | Vacancy | No. of Vacancies for over 6 months |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | SUPREME COURT | 26 | 22 | 04 | 2 |
| | | HIGH COURTS | | | |
| 1. | Allahabad | 95 | 73 | 22 | 14 |
| 2. | Andhra Pradesh | 39 | 31 | 8 | 7 |
| 3. | Bombay | 61 | 52 | 9 | 5 |
| 4. | Calcutta | 50 | 41 | 9 | 6 |
| 5. | Chhattisgarh | 8 | 6 | 2 | 2 |